

AO 242 (Rev. 09/17) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

UNITED STATES DISTRICT COURT
for the District of
New Jersey

ARTHUR WILLIAMS, ACTING PRO-SE
Petitioner

v.

Case No. _____
(Supplied by Clerk of Court)

WARDEN, DAVID E. ORTIZ
Respondent
(name of warden or authorized person having custody of petitioner)

2021 FEB 23 10:19

PETITION FOR A WRIT OF HABEAS CORPUS UNDER 28 U.S.C. § 2241

Personal Information

1. (a) Your full name: ARTHUR WILLIAMS
(b) Other names you have used: N/A
2. Place of confinement:
(a) Name of institution: FEDERAL CORRECTIONAL INSTITUTIONAL FORT DIX
(b) Address: P.O. BOX 2000, JOINT BASE MDL, NJ 08640
(c) Your identification number: 96753-038
3. Are you currently being held on orders by:
☒ Federal authorities ☐ State authorities ☐ Other - explain: _____
4. Are you currently:
☐ A pretrial detainee (waiting for trial on criminal charges)
☒ Serving a sentence (incarceration, parole, probation, etc.) after having been convicted of a crime
If you are currently serving a sentence, provide:
(a) Name and location of court that sentenced you: UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MASSACHUSETTS 1 COURTHOUSE WAY SUITE 2300, BOSTON, MA 02210
(b) Docket number of criminal case: 1:15-CR-10145-RGS-13
(c) Date of sentencing: JUNE 01st, 2017
☐ Being held on an immigration charge
☒ Other (explain): 21 U.S.C. § 846 CONSPIRACY TO DISTRIBUTE COCAINE BASE, COCAINE, AND HEROIN, 18 U.S.C. § 1962(d) RACKETEERING.

Decision or Action You Are Challenging

5. What are you challenging in this petition:
☒ How your sentence is being carried out, calculated, or credited by prison or parole authorities (for example, revocation or calculation of good time credits)

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- ☐ Pretrial detention
☐ Immigration detention
☐ Detainer
☐ The validity of your conviction or sentence as imposed (for example, sentence beyond the statutory maximum or improperly calculated under the sentencing guidelines)
☐ Disciplinary proceedings
☐ Other (explain): I AM REQUESTING GOOD TIME CREDITS PURSUANT TO THE GOODMAN V. ORTIZ CASE NO. #2020-CV-07582 DATED 11/22/2020.

6. Provide more information about the decision or action you are challenging:

- (a) Name and location of the agency or court: FCI FORT DIX, P.O. BOX 2000, JOINT BASE MDL, NJ 08640. CASE MANAGER BAGLIERT.
- (b) Docket number, case number, or opinion number: N/A
- (c) Decision or action you are challenging (for disciplinary proceedings, specify the penalties imposed):
A DENIAL FROM MY CASE MANAGER FOR RECEIVING GOOD TIME CREDITS IN WHICH SHE RESPONDED THAT THE STATUTE GIVES THE BUREAU OF PRISONS 2 YEARS TO APPLY THE CREDITS TO MY SENTENCE COMPUTATION.
- (d) Date of the decision or action: FEBRUARY 09TH, 2021

Your Earlier Challenges of the Decision or Action7. **First appeal**

Did you appeal the decision, file a grievance, or seek an administrative remedy?

☐ Yes ☒ No

(a) If "Yes," provide:

- (1) Name of the authority, agency, or court: _____
- (2) Date of filing: _____
- (3) Docket number, case number, or opinion number: _____
- (4) Result: _____
- (5) Date of result: _____
- (6) Issues raised: _____
- _____
- _____
- _____
- _____

(b) If you answered "No," explain why you did not appeal: I DID NOT BELIEVE THAT I WOULD HAVE RECEIVED A DIFFERENT RESPONSE FROM THE WARDEN OR THE DIRECTOR OF THE BUREAU OF PRISONS IN THE REGION.

8. **Second appeal**After the first appeal, did you file a second appeal to a higher authority, agency, or court? N/A
☐ Yes ☐ No

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(a) If "Yes," provide:

(1) Name of the authority, agency, or court: _____

(2) Date of filing: _____

(3) Docket number, case number, or opinion number: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

(b) If you answered "No," explain why you did not file a second appeal: _____

9. **Third appeal**After the second appeal, did you file a third appeal to a higher authority, agency, or court? **N/A**☐ Yes☐ No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court: _____

(2) Date of filing: _____

(3) Docket number, case number, or opinion number: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

(b) If you answered "No," explain why you did not file a third appeal: _____

10. **Motion under 28 U.S.C. § 2255**

In this petition, are you challenging the validity of your conviction or sentence as imposed?

☐ Yes☒ No

If "Yes," answer the following:

(a) Have you already filed a motion under 28 U.S.C. § 2255 that challenged this conviction or sentence?

☐ Yes☐ No

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If "Yes," provide:

(1) Name of court: _____

(2) Case number: _____

(3) Date of filing: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

- (b) Have you ever filed a motion in a United States Court of Appeals under 28 U.S.C. § 2244(b)(3)(A), seeking permission to file a second or successive Section 2255 motion to challenge this conviction or sentence?

☐ Yes☒ No

If "Yes," provide:

(1) Name of court: _____

(2) Case number: _____

(3) Date of filing: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

- (c) Explain why the remedy under 28 U.S.C. § 2255 is inadequate or ineffective to challenge your conviction or sentence: I AM ONLY REQUESTING FOR GOOD TIME CREDITS APPLICABLE TO MY SENTENCE. THEREFORE, 28 U.S.C. § 2241 IS THE CORRECT VENUE TO OBTAIN MY REMEDY REQUESTED.

11. Appeals of immigration proceedings

Does this case concern immigration proceedings? N/A

☐ Yes☒ No

If "Yes," provide:

(a) Date you were taken into immigration custody: _____

(b) Date of the removal or reinstatement order: _____

(c) Did you file an appeal with the Board of Immigration Appeals?

☐ Yes☐ No

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If "Yes," provide:

(1) Date of filing: _____

(2) Case number: _____

(3) Result: _____

(4) Date of result: _____

(5) Issues raised: _____

(d) Did you appeal the decision to the United States Court of Appeals?

☐ Yes

☒ No

If "Yes," provide:

(1) Name of court: _____

(2) Date of filing: _____

(3) Case number: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

12. **Other appeals**

Other than the appeals you listed above, have you filed any other petition, application, or motion about the issues raised in this petition?

☐ Yes

☒ No

If "Yes," provide:

(a) Kind of petition, motion, or application: _____

(b) Name of the authority, agency, or court: _____

(c) Date of filing: _____

(d) Docket number, case number, or opinion number: _____

(e) Result: _____

(f) Date of result: _____

(g) Issues raised: _____

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Grounds for Your Challenge in This Petition

13. State every ground (reason) that supports your claim that you are being held in violation of the Constitution, laws, or treaties of the United States. Attach additional pages if you have more than four grounds. State the facts supporting each ground. Any legal arguments must be submitted in a separate memorandum.

GROUND ONE: PURSUANT TO TITLE 18 U.S.C. § 3632(d)(4) AND THE GOODMAN V. DAVID ORTIZ CASE NO.#2020-CV-07582 DATED 11/22/2020 I AM ENTITLED TO GOOD TIME CREDITS FOR THE EBRT UNDER THE FIRST STEP ACT 'EVIDENCE-BASED RECIDIVISM REDUCTION TRAINING'.

(a) Supporting facts *(Be brief. Do not cite cases or law.)*:

THE FIRST STEP ACT OFFERED PRISONERS AN OPPORTUNITY TO EARN CREDIT TOWARDS THEIR SENTENCES. IN PARTICULAR THE TYPE AND AMOUNT OF EVIDENCE-BASED RECIDIVISM REDUCTION PROGRAMMING THAT IS APPROPRIATE FOR EACH PRISONER AND ASSIGN EACH PRISONER TO SUCH PROGRAMMING ACCORDINGLY SEE "18 U.S.C.A. § 3632(a)(3). IN WHICH I HAVE NOT YET RECEIVED UPON COMPLETION ON THOSE APPROPRIATE PROGRAMS.

(b) Did you present Ground One in all appeals that were available to you?

☐ Yes

☒ No

GROUND TWO: I AM ENTITLED TO EARNED GOOD TIME CREDITS FOR PARTICIPATION AND COMPLETION OF THE FOLLOWING EBRT PROGRAMS.

(a) Supporting facts *(Be brief. Do not cite cases or law.)*:

I HAVE PARTICIPATED AND COMPLETED AND STILL CURRENTLY ENROLLED IN SOME OF THE FOLLOWING PROGRAMS: BUILDING A STRONGER MARRIAGE CLASS AT FMC DEVEN, MA/ANGER MANAGEMENT COURSE 04/29/20; THRESHOLD A 7 MONTH PROGRAM ON 03/12/20; CHALLENGING CRIMINAL THINKING GROUP ON 07/18/2019; AND AM PRESENTLY ENROLLED IN THE (RDAP) RESIDENTIAL DRUG ABUSE PROGRAM AT FCI FORT DIX ON 12/31/20-THIS DAY.

(b) Did you present Ground Two in all appeals that were available to you?

☐ Yes

☒ No

GROUND THREE: N/A

(a) Supporting facts *(Be brief. Do not cite cases or law.)*:

(b) Did you present Ground Three in all appeals that were available to you?

☐ Yes

☐ No

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GROUND FOUR: N/A

(a) Supporting facts *(Be brief. Do not cite cases or law.)*:

(b) Did you present Ground Four in all appeals that were available to you?

☐ Yes ☒ No

14. If there are any grounds that you did not present in all appeals that were available to you, explain why you did not: I DID NOT BELIEVE THAT I WOULD HAVE OBTAINED A DIFFERENT RESPONSE FROM THE WARDEN OR THE DIRECTOR OF THE BUREAU OF PRISONS IN THIS REGION.

Request for Relief

15. State exactly what you want the court to do: I WOULD LIKE FOR THE COURT TO ORDER THE BOP TO IMMEDIATELY APPLY THE EARNED TIME CREDIT OF 202 DAYS.

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AO 240 (Rev. 07/10) Application to Proceed in District Court Without Prepaying Fees or Costs (Short Form)

4. Amount of money that I have in cash or in a checking or savings account: \$ -0-.

5. Any automobile, real estate, stock, bond, security, trust, jewelry, art work, or other financial instrument or thing of value that I own, including any item of value held in someone else's name *(describe the property and its approximate value)*: n/a

6. Any housing, transportation, utilities, or loan payments, or other regular monthly expenses *(describe and provide the amount of the monthly expense)*: n/a

7. Names (or, if under 18, initials only) of all persons who are dependent on me for support, my relationship with each person, and how much I contribute to their support: n/a

8. Any debts or financial obligations *(describe the amounts owed and to whom they are payable)*: n/a

Declaration: I declare under penalty of perjury that the above information is true and understand that a false statement may result in a dismissal of my claims.

Date: FEBRUARY 17, 2021


Applicant's signature

ARTHUR WILLIAMS, ACTING PRO-SE
Printed name

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Declaration Under Penalty Of Perjury

If you are incarcerated, on what date did you place this petition in the prison mail system:

AT FCI FORT DIX PRISON MAIL BOX ON FEBRUARY 17 , 2021.

I declare under penalty of perjury that I am the petitioner, I have read this petition or had it read to me, and the information in this petition is true and correct. I understand that a false statement of a material fact may serve as the basis for prosecution for perjury.

Date: FEBRUARY 17 , 2021


Signature of Petitioner

ARTHUR WILLIAMS, ACTING PRO-SE

Signature of Attorney or other authorized person, if any

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